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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1915.17US03

Morris

Confirmation No.: 8616

Application No.: 10/805,686

Examiner: Jennifer Thissell

Filed: March 19, 2004

Group Art Unit: 3635

For: ROOF BATTEN

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

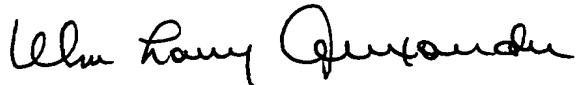
Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application and that the references be made of record therein and appear among the "References Cited" or any patent to issue therefrom.

This information is being filed before the mailing date of a first Office Action or the merits. No certification or fee is required.

A concise explanation of the relevance of the non-English language references appears in the Appendix hereto.

This application was filed after June 30, 2003; therefore, copies of cited U.S. patents and U.S. published applications are not included.

Respectfully submitted,

  
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*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.*

## Substitute for form 1449/PTO

Complete if Known

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
*(Use as many sheets as necessary)*

Sheet 1 of 2 Attorney Docket Number 1915.17US03

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL <sup>1</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or App. of Cited Document
		Number-Kind Code <sup>2</sup> ( <i>If known</i> )		
		US-1,163,034	12/07/1915	Phippen
		Des 257,282	10/07/1980	Roberts
		Des 257,283	10/07/1980	Roberts
		US-3,185,070	05/25/1965	Smith
		US-3,889,892	06/17/1975	Melead
		US-3,949,657	04/13/1976	Sells
		US-4,178,914	12/18/1979	Erb
		US-4,418,505	12/06/1983	Thompson
		US-4,803,813	02/14/1989	Fiterman
		US-4,807,409	02/28/1989	Sells
		US-4,843,953	07/04/1989	Sells
		US-4,942,699	07/24/1990	Spinelli
		US-5,005,330	04/09/1991	Todisco
		US-5,022,314	06/11/1991	Waggoner
		US-5,048,689	09/17/1991	McFarland
		US-5,054,254	10/08/1991	Sells
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		US-5,094,041	03/10/1992	Kasner, et al.
		US-5,099,627	03/31/1992	Coulton, et al.
		US-5,242,736	09/07/1993	Van Erden et al.
		US-5,304,095	04/19/1994	Morris
		US-5,319,908	06/14/1994	Van Erden et al.
		US-5,328,407	07/12/1994	Sells
		US-5,331,783	07/26/1994	Kasner, et al.
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		US-5,471,807	12/05/1995	Vasquez
		US-5,509,987	04/23/1996	Dahlquist
		US-5,577,360	11/26/1996	Gibbs
		US-5,603,657	02/18/1997	Sells
		US-5,617,690	04/08/1997	Gibbs
		US-5,641,551	06/24/1997	Simpson et al.
		US-5,651,734	07/29/1997	Morris
		US-5,673,521	10/07/1997	Coulton, et al.
		US-5,711,116	01/27/1998	Hasan
		US-5,794,396	08/18/1998	Gibbs

EXAMINER SIGNATURE

DATE CONSIDERED

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/805,686
				Filing Date	March 19, 2004
				First Named Inventor	Morris
				Art Unit	3635
				Examiner Name	Jennifer Thissell

Sheet	2	of	2	Attorney Docket Number	1915.17US03
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#### U.S. PATENT DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or App. of Cited Document
		Number-Kind Code <sup>2</sup> ( <i>if known</i> )		
		US-5,816,014	10/06/1998	Tzeng et al.
		US-5,947,817	09/07/1999	Morris et al.
		US-6,357,193	03/19/2002	Morris

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> )			
		DE 44 21 941A1	01/01/1996	Klober	(English translation)
		DE 2 939 730 A1	04/16/1981	Neumann	(English abstract)
		GB 2 062 056A	05/20/1981	Neumann	
		WO 98/15701	04/16/1998	Hensey et al.	

#### NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
		Complaint for Patent Infringement, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 29 October 2004.
		Answer to Complaint and Counterclaim, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 14 January 2005.
		Reply to Defendant's Answer and Counterclaims, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 4 February 2005.
		Memorandum of Law in Support of Plaintiff's Motion to Strike Defendant's Affirmative Defense of Inequitable Conduct, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 3 February 2005.
		Opposition to Plaintiff's Motion to Strike Battels Plus' Defense of Inequitable Conduct, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 22 February 2005.
		Reply Memorandum of Law in Support of Plaintiff's Motion to Strike Defendant's Affirmative Defense of Inequitable Conduct, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 28 February 2005.
		Declaration of Randall T. Skaar, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 28 February 2005.

EXAMINER SIGNATURE		DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the pa document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if E language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and su completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form an suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20: NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

APPENDIX TO INFORMATION DISCLOSURE STATEMENT

DE 2 939 730A1 issued from German Patent Application No. 19792939730, filed 1 October 1979, which in turn, is the priority application for GB 2 062 056, which is enclosed. The abstract of GB 2 062 056 is listed as the abstract for DE 2 939 730A1 on the European Patent Office Website (<http://v3.espacenet.com/textdoc?DB=EPODOC&IDX=DE2939730&F=0>). The abstract is recited hereinbelow.

A roofing lath, which, in use, supports roof tiles or slates has in its underside 3 a series of transverse openings 1 which allow the cross-flow of ventilating air and/or the drainage of water between the tiles or slates supported by the lath and a waterproofing sheet of felt or plastics material through which the lath is fixed by nails or other fastenings.

